

Application No. 10/530,509
Paper Dated January 8, 2008
Attorney Docket No. 1107-050938

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/530,509 Confirmation No. : 4953
Applicants : Christian Baccelli et al.
Filed : April 6, 2005
Title : PLATE FIXING SYSTEM
Group Art Unit : 3733
Examiner : Tara R. George
Customer Number : 28289

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION (MPEP 711.03(c) AND 37 C.F.R. §1.181(a))**

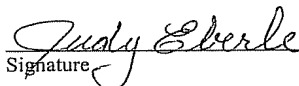
Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance was not received.

Applicants' undersigned representative hereby states that the Notice of Allowance and Fee(s) Due indicated as mailed on August 14, 2007 was not received by Applicants' representative. A search of the file jacket and the docket records confirms that this Notice of Allowance and Fee(s) Due was not received.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on the date below.

Judy Eberle
(Name of Person Mailing Papers)


Signature

January 8, 2008
Date

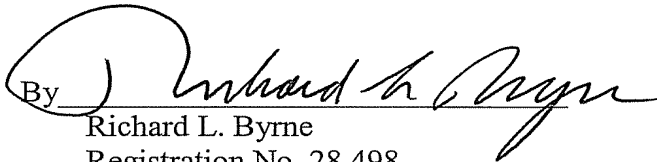
Attached hereto as Exhibit A is a copy of the docket record where the non-received Notice of Allowance and Fee(s) Due would have been entered had it been received and docketed. A Notice of Allowance and Fee(s) Due with a mailing date of August 14, 2007 would have been entered into the docket record after the Amendment filed December 18, 2006 (indicated as Box A on page 2 of the docket record) and before the Priority Acknowledgement mailed September 14, 2007 (indicated as Box B on page 2 of the docket record). Accordingly, Exhibit A shows that there is no indication that the Notice of Allowance and Fee(s) Due in the present case was ever received by Applicants' representative.

As additional evidence of non-receipt of the Notice of Allowance and Fee(s) Due, attached hereto as Exhibit B is a copy of the file jacket record where the non-received Notice of Allowance and Fee(s) Due would have been entered had it been received and docketed. A Notice of Allowance and Fee(s) Due with a mailing date of August 14, 2007 would have been docketed for November 14, 2007 (three months from the mailing date) for payment of the issue fee. As shown in Exhibit B, there is no indication that the Office Action in the present case was ever received by Applicants' representative.

In consideration of the aforementioned submissions, Applicants respectively request that the Notice of Abandonment for the above-identified application be withdrawn and that a new Notice of Allowance and Fee(s) Due be issued. No fee is believed to be due for the filing of this Petition. Nevertheless, the Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650.

Respectfully submitted,

The Webb Law Firm

By 

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EXHIBIT A
(Docket Record)

Case Detail Report

Client 1107 Cabinet Beau de Lomenie
Billing Class:14 PATENT - incoming from foreign law firm Status: PUBLISHED
Billing Rate: 001 Standard Billing Group: No Bill Group
1107-050938 US
United States Utility Patent Application entitled "Plate Fixing System"
First Named Inventor: Christian Baccelli
Serial Number: 10/530,509 Date Filed: 10/02/2003
Your Ref.: 02/GYD/FD-H80222 Cas 19

Matter Dates		Attorney(s)	
Start Date	03/28/2005	Init Atty 008	Richard L. Byrne
Activity Closed		Bill Atty 008	Richard L. Byrne
Closed		Resp Atty 008	Richard L. Byrne

Last Operator: KLP Last Date: Dec 18 2007 12:00AM- Matter note not entered

Client Note: Client note not entered

Related Matters
No Related Matters

Docket Events

Pending Event: Scheduled 02/11/2008: Attorney No.(s) 008 039
PETITION DUE

**** KLP - 12/18/07 10:02 AM **** NOTICE OF ABANDONMENT DATED 12/11/07 RECEIVED -- PETITION TO WITHDRAW HOLDING OF
ABANDONMENT REQUIRED.;

Pending Event: Scheduled 10/02/2023: Attorney No.(s) 008
Patent Expiration
Notes not entered

Completed Event: Completed 04/07/2005: Attorney No.(s) 008
APPL FILING DEADLINE
Application sent to PTO via EM 4/6/05--kat.;

Completed Event: Completed 04/06/2005: Attorney No.(s) 008
DECLARATION DUE
Notes not entered;

Completed Event: Completed 09/06/2005: Attorney No.(s) 008
FILG RCPT STATUS CHK
Notes not entered;

Completed Event: Completed 11/06/2005: Attorney No.(s) 008
INF DISCLOSURE STMT
8/26/05 - to JJB to prepare (llm); 10/14/05 to AD to prepare (llm); FILED 11/1/05 [key];

Completed Event: Completed 09/06/2005: Attorney No.(s) 008
CLAIM PRIORITY
National phase application. Confirm that USPTO acknowledges receipt (knw).; acknowledged on Notice of Acceptance dated 8/15/05 -- klp.;

Completed Event: Completed 01/07/2006: Attorney No.(s) 008
PUBLICATION
Notice of New or Revised Projected Publ Date received-current projected publ date is 11/17/05-klp; reported 8/26/05 (raw); 2nd Notice received-new
projected pub date is 12/8/05-klp; reported 11/21/05 (raw); publ reported to client 1/23/06 (raw);

Completed Event: Completed 04/06/2005: Attorney No.(s) 008
ASSIGNMENT
Assignors, Inventors; Assignee, Spine Next; Reel 16986; Frames 294-295.;

Completed Event: Completed 04/06/2005: Attorney No.(s) 008
PRELIM AMENDMENT
Notes not entered;

Completed Event: Completed 04/06/2005: Attorney No.(s) 008
Filed Date
Notes not entered;

Case Detail Report

Client 1107 Cabinet Beau de Lomenie
Billing Class:14 PATENT - incoming from foreign law firm Status: PUBLISHED
Billing Rate: 001 Standard Billing Group: No Bill Group
1107-050938 US
United States Utility Patent Application entitled "Plate Fixing System"
First Named Inventor: Christian Baccelli
Serial Number: 10/530,509 Date Filed: 10/02/2003
Your Ref.: 02/GYD/FD-H80222 Cas 19

Completed Event: Completed 10/07/2002: Attorney No.(s) 008
Priority Date
Notes not entered;

Completed Event: Completed 12/08/2005: Attorney No.(s) 008
Publication Date
Notes not entered;

Completed Event: Completed 10/07/2002: Attorney No.(s) 008
First Filed Date
Notes not entered;

Completed Event: Completed 10/02/2003: Attorney No.(s) 008
PCT Filing
Notes not entered;

Completed Event: Completed 09/06/2006: Attorney No.(s) 008
STATUS CHECK
Notes not entered;

Completed Event: Completed 08/18/2006: Attorney No.(s) 008
BASE DATE: Office Action
Notes not entered;

Completed Event: Completed 12/18/2006: Attorney No.(s) 008 041
Response to Office Action-Extension 1 of 3
**** LLM - 12/18/06 4:16 PM **** to PTO

**** LLM - 11/27/06 3:12 PM **** - to Lara to prepare Amendment;

Completed Event: Completed 11/18/2006: Attorney No.(s) 008 041
CANCELED APP:Rule Autocomplete;Response to Office Action
**** LLM - 8/23/06 10:09 AM **** - to Lara to report out to client;

Completed Event: Completed 01/18/2007: Attorney No.(s) 008 041
CANCELED APP:Rule Autocomplete;Response to Office Action-Extension 2 of 3
**** LLM - 12/18/06 4:16 PM **** to PTO;

Completed Event: Completed 02/18/2007: Attorney No.(s) 008 041
CANCELED APP:Rule Autocomplete;Response to Office Action-Final Extension of 3
**** LLM - 12/18/06 4:16 PM **** to PTO;

Completed Event: Completed 12/18/2006: Attorney No.(s) 008
Status Check for Subsequent Action After Response (Base Date)
Notes not entered;

Completed Event: Completed 12/18/2006: Attorney No.(s) 008
1 Month Ext of Time
Notes not entered;

Completed Event: Completed 09/14/2007: Attorney No.(s) 008
Priority Document
Notes not entered;

Completed Event: Completed 05/18/2007: Attorney No.(s) 008
CANCELED APPOINTMENT: ;Status Check for Subsequent Action After Response (5 Months)

**** BLW - 9/18/07 4:06 PM ****
ltr to associate req. further instruction re Ms. Vironi and IDS needing filed.;

Completed Event: Completed 08/18/2007: Attorney No.(s) 008
CANCELED APPOINTMENT: ;Status Check for Subsequent Action After Response (8 Months)

**** BLW - 9/18/07 4:06 PM ****
ltr to associate req. further instruction re Ms. Vironi and IDS needing filed.;

A

No Entry

B

Case Detail Report

Client 1107 **Cabinet Beau de Lomenie**
Billing Class: 14 **PATENT - incoming from foreign law firm** **Status:** PUBLISHED
Billing Rate: 001 **Standard** **Billing Group:** No Bill Group
1107-050938 **US**
United States Utility Patent Application entitled "Plate Fixing System"
First Named Inventor: Christian Baccelli
Serial Number: 10/530,509 **Date Filed:** 10/02/2003
Your Ref.: 02/GYD/FD-H80222 Cas 19

Completed Event: Completed 11/18/2007: Attorney No.(s) 008
CANCELED APPOINTMENT: ;Status Check for Subsequent Action After Response (11 Months)

**** BLW - 10/28/07 8:54 AM ****
further ltr to associate req. further instruction re Ms. Vrioni and ROL OA.
**** BLW - 9/18/07 4:06 PM ****
ltr to associate req. further instruction re Ms. Vrioni and IDS needing filed.;

Completed Event: Completed 02/18/2008: Attorney No.(s) 008
Status Check for Subsequent Action After Response (14 Months)

**** BLW - 10/28/07 8:55 AM ****
further ltr to associate req. further instruction re Ms. Vrioni and ROL OA.
**** BLW - 9/18/07 4:06 PM ****
ltr to associate req. further instruction re Ms. Vrioni and IDS needing filed.;

Completed Event: Completed 12/11/2007: Attorney No.(s) 008
Response to Office Action 2mo
Notes not entered

Party Information

Name and Address	Phone Numbers	Remarks
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ASSIGNEE

Spine Next

ASSIGNEE 2

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France

ASSIGNOR

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35 Avenue du General de Gaulle
Ayguemorte Ides Graves, F-33640
France

ASSIGNOR

Paolo Mangione
73 Rue Xavier Arnozan,
F-33600 Pessac, France

ASSIGNOR 2

Spine Next

BILLING ADDRESS

Cabinet Beau de Loménie (W) 331-441-8890
158, rue de l'Université

Case Detail Report

Client 1107 **Cabinet Beau de Lomenie**
Billing Class: 14 **PATENT - incoming from foreign law firm** **Status:** PUBLISHED
Billing Rate: 001 **Standard** **Billing Group:** No Bill Group
1107-050938 **US**
United States Utility Patent Application entitled "Plate Fixing System"
First Named Inventor: Christian Baccelli
Serial Number: 10/530,509 **Date Filed:** 10/02/2003
Your Ref.: 02/GYD/FD-H80222 Cas 19

75340 Paris Cedex 07

CORRESPONDENCE ADDRESS

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75340 Paris Cedex 07

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75340 Paris Cedex 07

INVENTOR FIRST NAMED

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Ayguemorte Ides Graves, F-33640
France

INVENTOR

Paolo Mangione
73 Rue Xavier Arnoz,
F-33600 Pessac, France

OWNER

Abbott Spine
23 Parvis des Chartrons, Cité Mondiale
33000 BORDEAUX
France

EXHIBIT B
(File Jacket Record)

1107-050938

COUNTRY: UNITED STATES PATENT
TITLE: Plate Fixing System
CLIENT: Cabinet Beau de Lomenie
ATTY: RLB CLIENT REF: 02/GYD/FD-H80222
Updated by: jlw Date: 3/28/2005

Related Files:

Foreign License Granted
Foreign Applications:

Country

File No.

Publication No. US 2005-027309-A1

Publication Date: December 8, 2005

Country
Applicant(s)

Title

COUNTRY: UNITED STATES

PATENT

TITLE: Plate Fixing System

CLIENT: Cabinet Beau de Lomenie

ATTY: RLB

CLIENT REF: 02/GYD/FD-H80222
Updated by: jlw Date: 3/28/2005

Serial No. 10/530,509 Filed
Group 37338 Information Disc
Preliminary Amen

OFFICE ACTIONS

RESPONSE DUE

FILED UNDER FILED

Aug. 18, 2006

MAR. 11, 2006

DEC. 18, 2006
Notice of Abandonment
DEC. 11, 2007

Retention Due

FEB. 11, 2008

Allowed

Issue Fee Due

Date

Issue Fee Paid

Patent No. }
Certificate }

Assign. Recorded

April 6, 2005
MAR 28, 2006

Reel 16986 Frame 294-295
17049 371-378

Priority Doc. Filed

acknowledged - Sept 14, 2007